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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,113	03/01/2002	Brett Howard	12315-US	7220
23553	7590	09/26/2005	EXAMINER	
MARKS & CLERK P.O. BOX 957 STATION B OTTAWA, ON K1P 5S7 CANADA			LAFORGIA, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 09/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/085,113	HOWARD, BRETT
	Examiner Christian La Forgia	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 June 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 March 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/29/04, 5/29/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 have been presented for examination.

Drawings

2. The drawings are objected to because the text outlined in the steps of the drawings are illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 7, 11, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0077988 to Sasaki et al, hereinafter Sasaki.

5. As per claims 1 and 7, Sasaki discloses a method of providing digital data from a source system to an embedded system in a secure manner, comprising the steps of:

combining the data with header information including a target identifier corresponding to the embedded system (Figures 4 [blocks 137, 139], 5b [block 162], paragraphs [0038]-[0040], [0042]);

providing the combined digital data with header information to the embedded system (Figures 5b [block 166], 7 [blocks 190, 198], paragraphs [0042], [0043], [0045]); and

verifying the target identifier before the embedded system is enabled to load the digital data (Figures 6 [blocks 172, 182], 7 [block 194], 8b [block 222], paragraph [0044], [0045], [0047]).

6. Regarding claim 2, Sasaki teaches wherein the target identifier is a text name corresponding to an end user of an Internet based service (paragraph [0042], i.e. serial number assigned to user).

7. Regarding claim 3, Sasaki teaches wherein said target identifier includes a revision level respecting said digital data (Figure 4 [block 138], paragraph [0038], i.e. instructions for controlling the playback, such as playback settings and restrictions on number of times content can be played).

8. Regarding claim 11, Sasaki teaches for use in conducting transactions on the Internet (paragraph [0031]).

9. With regards to claim 12, Sasaki discloses wherein said transactions include the purchase and download of software (Figure 5b [block 160], paragraph [0042]).

10. With regards to claim 15, Sasaki teaches wherein said network nodes include wireless telephones (Figure 3a, paragraphs [0006], [0013], [0035]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-6, 8-10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 6,401,206 to Khan et al., hereinafter Khan.

13. As per claim 4, Sasaki teaches a method of providing digital data from a source system to an embedded system in a secure manner comprising the steps of:

combining the data with header information including a target identifier corresponding to the embedded system (Figures 4 [blocks 137, 139], 5b [block 162], paragraphs [0038]-[0040], [0042]);

providing the combined digital data with header information to the embedded system

(Figures 5b [block 166], 7 [blocks 190, 198], paragraphs [0042], [0043], [0045]); and

verifying the digital signature and the target identifier before the embedded system is enabled to load the digital data (Figures 6 [blocks 172, 182], 7 [block 194], 8b [block 222], paragraph [0044], [0045], [0047]).

14. Sasaki does not teach signing the combined digital data with header information with a digital signature corresponding to the source system the digital signature being added to the header information.

15. Khan discloses using digital signatures being used to authenticate digital document and the origin source (column 3, line 66 to column 4, line 9).

16. Both Sasaki and Khan are related to binding identities to secure electronic data to be transmitted over a network.

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to sign the combined digital data with header information with a digital signature corresponding to the source system the digital signature being added to the header information, since Khan states at column 4, lines 4-9 that such a modification can be used to authenticate the integrity and identity of an electronic document, as well as for non-repudiation of the document's origination source.

18. Regarding claim 5, Khan teaches wherein the step of signing the combined digital data with header information uses a private cryptographic key associated with the source system to generate the digital signature (column 5, line 57 to column 6, line 6).

19. With regards to claim 6, Khan discloses wherein the step of verifying the digital signature uses a public key corresponding to the private cryptographic key (column 6, lines 14-21).

20. Regarding claim 8, Sasaki does not teach means to provide a digital signature for use in verifying the files before uploading to the embedded system.

21. Khan discloses means to provide a digital signature for use in verifying the files before uploading to the embedded system (column 3, line 66 to column 4, line 9, column 5, line 57 to column 6, line 6).

22. Both Sasaki and Khan are related to binding identities to secure electronic data to be transmitted over a network.

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a digital signature for use in verifying the files before uploading to the embedded system, since Khan states at column 4, lines 4-9 that such a modification can be used to authenticate the integrity and identity of an electronic document, as well as for non-repudiation of the document's origination source.

24. With regards to claim 9, Sasaki does not disclose public keying infrastructure for distributing public keying information to said embedded system.

25. Khan teaches public keying infrastructure for distributing public keying information to said embedded system (column 6, lines 7-21).

26. Both Sasaki and Khan are related to binding identities to secure electronic data to be transmitted over a network.
27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute the public key information to the embedded system, since Khan states at column 6, lines 11-21 that such a modification can be used to authenticate and verify the integrity and identity of an electronic document.
28. Concerning claim 10, Khan discloses having software for performing signature generation and verification (column 5, line 57 to column 6, line 6).
29. With regards to claim 13, Sasaki does not disclose wherein said transactions include online banking.
30. Khan teaches wherein said transactions include online banking (column 6, lines 37-48).
31. Both Sasaki and Khan are related to binding identities to secure electronic data to be transmitted over a network.
32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide secure transactions for online banking, since Khan states at column 6, lines 11-21 that such a modification can be used to authenticate and verify the integrity and identity of a transactions.
33. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 6,169,976 to Colosso, hereinafter Colosso.

34. With regards to claim 14, Sasaki does not teach wherein said transactions include the installation of software revisions in network nodes.
35. Colosso discloses wherein said transactions include the installation of software revisions in network nodes (column 2, lines 52-60).
36. Both Sasaki and Colosso are related to software control using licenses.
37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide secure transactions for online banking, since Colosso states at column 2, lines 7-31 that such a modification can be used to regulate the reproduction of licensed products.

Conclusion

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
39. The following patents are cited to further show the state of the art with respect to digital rights management, such as:

United States Patent No. 5,629,980 to Stefik et al., which is cited to show controlling use and distribution of digital works.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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42. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
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9/23/05

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